

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 4, 2008

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 6:45 p.m. Roll call showed the following Council Members present: William D. Beagle, Vickie K. Blakey, John E. Kessler, Patrick A. Hale, Mayor Tim E. Evans, and Dee Gillis.

Mayor Evans moved to excuse Councilman George H. Lovett, seconded by Mr. Beagle. The motion carried.

Executive Session

President Hale moved adjourn into Executive Session to discuss pending or imminent litigation and personnel matters to include the Acting City Manager and the Law Director, seconded by Mayor Evans. The motion carried. City Council adjourned to Executive Session. The meeting reconvened at 7:32 p.m.

In attendance: Acting City Manager Bradley C. Vath, Law Director Joseph P. Moore, Utilities Director M. J. Eichman, Fire Chief Steve Kessler, City Engineer/Service Director Scott P. Vagedes, EMS Chief Mark Senseman, Police Chief Tom Davidson, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, *Independent Voice* reporter Matt Clevenger, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Cherie Beck, Nancy Deal, John Flint, Larry Brown, Charles Treiber, and Joseph Kourne.

Invocation and Pledge of Allegiance

Seminary Intern Rob Mulenkamp from St. John the Baptist Catholic Church delivered the invocation. President Hale led the Pledge of Allegiance.

Approval of Agenda

Mr. Beagle moved to approve the agenda, seconded by Mrs. Gillis. The motion unanimously carried.

Adoption of Minutes

Mayor Evans moved, seconded by Mrs. Gillis, to adopt the minutes of the January 21, 2008, City Council Meeting. The motion carried 6-0.

Mr. Beagle moved, seconded by President Hale, to adopt the minutes of the January 21, 2008, Post Meeting Study Session. The motion carried.

**Ordinances
(Second Reading &
Public Hearing)**

Ordinance 02-08
Chapter 37 Wage
Adjustment

The following ordinance was presented to City Council for second reading and public hearing.

Ordinance 02-08: An ordinance amending Chapter 37 Appendix Exhibit "A" and "B" of the codified ordinance of the City of Tipp City concerning benefit schedules for all City employees not covered by collective bargaining agreements.

Clerk of Council Summary: This ordinance will provide for a 3.5% cost of living adjustment for Chapter 37 employees, which is identical to the 2008 adjustments provided for the FOP and ASFSME bargaining unit employees.

SEE NEXT PAGE

**Resolutions
(One Reading
Required)**

Resolution 05-08
Surplus Property

Acting City Manager Report: Mr. Vath noted that this ordinance would implement a 3.5% wage adjustment for Chapter 37 employees (managerial non-bargaining unit employees) for the period of February 3, 2008 to February 7, 2009. The current 3-year wage ordinance 09-05 will expire on February 2, 2008. The existing labor agreements with AFSCME (Resolution 47-06) and the FOP (Resolution 28-06) both reflect a 3.5% wage adjustments for 2008. The remaining two years (2009 & 2010) will be brought back to City Council after the permanent City Manager has been selected as part of an overall review of the Chapter 37 provisions.

There being no further discussion, Mr. Kessler sponsored this ordinance and moved for its adoption, seconded by Mrs. Blakey. The motion carried with a vote of 6-0. Ordinance 02-08 was declared passed and President Hale affixed his signature in witness thereto.

The following resolution was presented to City Council for adoption.

Resolution No. 05-08: A resolution declaring personal property owned by the City of Tipp City to be declared surplus property and no longer useful in the general operation of the City.

Clerk of Council Summary: This resolution declares the City's intent to dispose of surplus items in accordance with law for items with a value of \$1,000 or more.

Acting City Manager Report: This resolution declares various items of City property as surplus and subsequently allows them to be disposed of by auction or traded-in when a new vehicle or equipment is procured. Mr. Vath noted that any item with an expected value over \$1,000 requires Council's legislative action to authorize disposal.

Mr. Beagle asked if the City retained these items until they were sold or traded-in. Mr. Vath confirmed that the surplus items are kept by the City until they are sold or traded-in. Mr. Vath then identified the surplus items:

- 1994 Ford F250 Pick Up Truck
- 2003 Hustler Zero Turn Mower
- 2004 Progressive Mower
- 1995 GMC 2 ½ Ton Dump Truck
- 1997 GMC ¾ Ton Pick Up Truck
- 1999 Ford McCoy-Miller Ambulance
- 1997 Oce' 7055 Large Format Copier
- 2000 Ford Crown Victoria (donated to OPATA)

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a vote of 6-0. Resolution 05-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 06-08
CRA #4 Expansion

Resolution No. 06-08: A resolution amending Resolution No. 12-92 to expand Community Reinvestment Area (CRA) #4.

Clerk of Council Summary: This resolution increases the area covered by CRA #4 from its original boundaries to include additional acreage on CR25A east of and both north and south of the Meijer Distribution Center.

Acting City Manager Report: City Council discussed this item at the January 21st Study Session. Mr. Vath reported that the Tipp City Economic Development Committee recommended the expansion of the existing pre-1994 CRA #4. The Ohio Revised Code allows two expansions of pre-1994 CRA's, and there have been no previous expansions of this CRA. This resolution will retain all of the other provision of the original enabling Resolution 12-92, and only change the boundaries of the CRA to expand the territory east of Meijer's (+/-55 acres) north and south of Meijer's. Mr. Vath stated that several businesses within this area have expressed potential interest in future expansion of their facilities.

Mr. Beagle asked if the tax incentives were available for the vacant land. Mr. Vath stated yes and that the incentives were not automatic. The owners must file an application and follow the set procedures established in Ordinance 12-92. Mr. Beagle asked if City Council approved the applications. Mr. Vath replied that City Council would not approve the applications for this pre-1994 CRA.

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a vote of 6-0. Resolution 06-08 was declared passed and President Hale affixed his signature in witness thereto.

Resolution 07-08
Equipment Purchase
Digger Derrick Truck

Resolution No. 07-08: A resolution authorizing the City Manager to purchase one Digger Derrick truck for the Electric Department from Dueco, Inc. at a cost of \$169,543.

Clerk of Council Summary: This resolution authorizes the replacement of the 2000 Digger Derrick Truck utilizing the State of Ohio Department of Administrative Services contract pricing to Dueco, Inc. of Waukesha, Wisconsin.

Acting City Manager Report: Mr. Vath reported that the City had budgeted and appropriated monies in 2008 to replace the 2000 Digger Derrick Truck with a new truck. This purchase will be done through the State of Ohio Department of Administrative Services contract. He noted that the purchase needed to be made early in 2008, due to the long lead time to manufacture the truck.

There being no further discussion, President Hale sponsored this resolution and moved for its adoption, seconded by Mayor Evans. The motion carried with a vote of 6-0. Resolution 07-08 was declared passed and President Hale affixed his signature in witness thereto.

**Ordinances
(First Reading)**

The following ordinances were presented to City Council for first reading. The second reading and public hearing will be held on February 19, 2008

Note Sale for CR25A

Mr. Beagle sponsored an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$575,000, in anticipation of the issuance of bonds, for the purpose of paying the city's portion of the costs of improving County Road 25A between certain termini within the City in cooperation with the Director of Transportation of the State of Ohio by paving, draining and construction curbs, gutters and necessary approaches, together with all necessary appurtenances thereto.

Clerk of Council Summary: This ordinance will allow the City to refinance the CR25A Improvement Project notes for an additional year.

Acting City Manager Report: Mr. Vath stated that when the City constructed the CR25A project from Meijers south to West Main Street, the City financed part of the project with notes. Each year the City has refinanced the notes when they became due since the note rates have been so advantageous. Mr. Vath noted that the City's Bond Counsel prepared this legislation for City Council's consideration of the sale of \$575,000.

Note Sale for Kinna Drive

President Hale sponsored an ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,100,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of extending Kinna Drive both northerly and southerly from the current termini, by excavating, grading, draining, paving, and curbing, installing street lighting, water lines and storm and sanitary sewer lines, fire protection systems and electric lines together with all necessary appurtenances thereto.

Clerk of Council Summary: This ordinance will allow the City to finance the Kinna Drive Extension Project which is partially funded with Industrial Site Infrastructure Fund reimbursement grant monies.

Acting City Manager Report: As discussed at the January 21st Study Session, the City must issue notes to finance the Kinna Drive Extensions Project in the Northgate Commerce Center Industrial Park. Mr. Vath stated that the City would be receiving \$500,000 in reimbursement grants and the property owner would be contributing \$279,000 to this project. The City's Bond Counsel has prepared this legislation for City Council's consideration of the sale of \$1,100,000.

Motions
Main Street Banner

Mrs. Blakey moved to approve the Main Street banner request as submitted by the Downtown Tipp City Partnership for the Tippecanoe Farmers' Market, seconded by Mayor Evans. The motion unanimously carried.

Miscellaneous
Restoration Board
Annual Report

Mr. Vath stated that Tipp City Code Section 36.047 required the Restoration and Architectural Board of Review to provide City Council with an annual report of their activities. The 2007 report was included in Council's packet along with a cover memo by City Planner Matt Spring.

Citizen Comments

Larry Brown, 6650 S. Tipp Cowlesville Road, stated that his property had been affected by a sewer line extension. He stated that nine sewer laterals were installed and intervening user fees had been calculated based upon the 8 lots affected by the extension. He noted that one property owner had 2 laterals installed on his property. Mr.

Brown suggested that the intervening user fees be calculated based upon the number of laterals rather than the number of lots. By doing this 7 of the 8 property owners would save \$1,200 each.

Mr. Vath stated that the calculations were established by Ordinance 30-07. Mr. Glaser requested a second lateral on his property due to a potential lot split. An additional lateral was installed and Mr. Glaser will be charged an additional \$690. This option is available to any property owner with adequate lot size interested in a splitting their lot. He noted that the Ohio Revised Code permitted assessments to be calculated using one of three methods: number of lots, acreage, or lot front footage.

Mr. Brown stated that he didn't think the City's communication with the land owners was effective and each property owner experienced a number of inconveniences throughout this project.

Mrs. Blakey stated that the City continues to try to communicate with land owners in the most effect manner and is always willing to make adjustments to improve communication.

Mr. Brown stated that the contractor's work had been substandard. He noted that the roadway has sunk twice since the improvements were made. A gas line was damaged and trapped his wife in their home. Mr. Brown requested a fair distribution of the intervening user fee to absorb other inconveniences that have been imposed on the land owners.

Mr. Vath noted that the City is within the warranty and maintenance period with Spearman Brothers and will address any issues that need to be corrected. He stated that all construction projects impose some degree of inconvenience to the property owners. The intervening user fee will be charged based upon the number of lots as indicated in Ordinance 30-07.

Mr. Eichman stated that he authorized the second lateral on Mr. Glaser's property. The second lateral was requested after the initial plans were mailed to the 8 property owners. He stated that the City tries to limit nuisances to the property owners during construction projects.

**Council Member
Comments**

Mrs. Blakey asked if Council wanted to hold the Goal Setting Retreat before a new City Manager was installed. Mr. Beagle suggested Council proceed with the Goal Setting Retreat. He stated that it could be several months before a new City Manager was hired and the goals would assist the City Manager in his duties. If delayed, it was conceivable that the Goals would not be finalized until 2009.

**Acting City Manager
Comments**

Mr. Vath announced that Tipp City received notification from the Ohio Historic Preservation Office that our 2008 Certified Local Government grant application will be funded in the amount of \$5,950. This grant will develop a National Register Multiple Property Documentation (MPD) that will define the context for historical industrial resources within the City and nominate two individual properties to the National Register, the Saunder's Seed building and the S&G Painting building.


Mr. Vath announced that Case Crafters, Inc. will be relocating into the former TM&T building located at 211 South First Street. Case Crafters Inc. specializes in commercial casework and has 10 full time employees.

Mr. Vath reported that "Old Tippecanoe Historic District" signs were installed on I-75 which will direct travelers to Tipp City's downtown via Exit 68. The placement of the signs was a goal of the City of Tipp City, The Downtown Tipp City Partnership, the Tipp City Merchants Association, as well as a specific goal of the Tipp City Historic Preservation Plan.

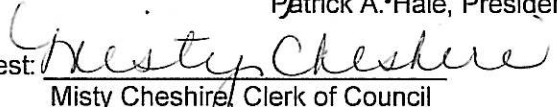
President Hale noted that City Council would be holding a study session after the meeting to discuss the Miami County Transit System and the City's ATV ordinance.

Adjournment

There being no further business, it was moved by Mrs. Blakey, seconded by Mr. Kessler, that the meeting be adjourned. The motion unanimously carried. President Hale declared the meeting adjourned at 8:18 p.m.


Patrick A. Hale, President of Council

Attest:


Misty Cheshire, Clerk of Council

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 4, 2008

Study Session

Acting City Manager Bradley C. Vath opened the Study Session at 8:27 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, Vickie K. Blakey, Mayor Tim Evans, President Patrick A. Hale, John Kessler, and Dolores Gillis.

Others in attendance included: Police Chief Tom Davidson, Law Director Joseph P. Moore, *Tipp Herald* reporter Mike Kelly, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Misty Cheshire.

Discussion –
Miami County Transit
System

Mr. Vath used the attached PowerPoint presentation to provide City Council with background information relating to the Miami County Transit system. Mr. Vath explained that in 2007 the City agreed to contribute \$5,000 with the anticipation that a permanent funding stream would be secured by the end of the year. The Steering Committee met several times in 2007 but did not thoroughly investigate other means of funding the operating gap. Mr. Vath noted that the City budgeted \$5,000 for this expense in 2008. He noted that the 2009 costs were expected to double or triple due to the loss of Federal funding. He asked if City Council wanted to continue funding this service in 2008.

Mrs. Blakey stated that she would like the City to contribute \$5,000 in 2008 toward the Transit System but agreed that a long term solution was needed.

Mayor Evans stated that the City of Troy and Piqua have continued to express concerns about the local match. They are each contributing \$40,000 in 2008.

Mr. Kessler asked if the break down was based on population size or use. He asked if the smaller villages such as West Milton, Pleasant Hill, and Ludlow Falls were being charged for the service. Mr. Vath stated that the breakdown was determined by zip code and the villages were not currently being charged for the service. Mr. Vath estimated that 20% of the Tipp City riders lived in the unincorporated areas of Monroe Township.

Mrs. Gillis noted that the MVRPC discussed Federal Funding for an interconnecting transit system that would cross County lines but expressed concerns about County cooperation. Mr. Vath agreed that the program has several obstacles to overcome.

Council agreed to continue funding a portion of the transit system in 2008 and requested the legislation be crafted to emphasize the need for a long term funding solution. Mr. Vath stated that a resolution will be drafted for Council's consideration at the February 19th meeting.

ATV Ordinance

The next item of discussion addressed "ATV" use in residential areas. The City received a complaint in July of 2007 regarding "off road" vehicle use on private property in the Windmere Subdivision. Mr. Vath

stated that the current City Code did not address this issue and staff has promulgated legislation that would prohibit ATV use on residential lots of less than five acres in size.

Mrs. Blakey asked if citizens would be permitted to use snow mobiles during excessive snow events. Chief Davidson stated that in extreme conditions, the Police would prudently enforce this law and allow the use of snow mobiles.

Mr. Beagle asked if enforcement would be complaint driven in these instances. Chief Davidson stated that enforcement would be primarily complaint drive but if an officer notices the use of an ATV on small residential lots they could take action.

Mr. Beagle asked if Gators would be considered ATV vehicles. Chief Davidson said that a Gator would be considered a utility vehicle and would not be subject to the same limitations proposed for ATV's.

Mr. Kessler state that he hated to pass this law but understood why it was necessary to do so.

Mr. Beagle asked if this ordinance would affect Polaris if customers wanted to test drive an ATV. Mr. Vath stated that the ordinance would not affect Polaris since it is zoned business.

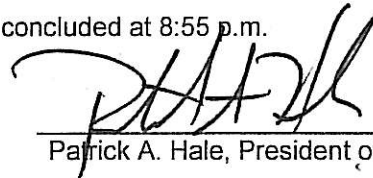
Mayor Evans stated that he supported the amendment. He stated that the use of ATV's can also create a safety hazard.

Mr. Kessler stated that the compliant revolved around the use of ATV's in a Windmere detention basin; he asked if the ATV use damage would affect flood control in that area. Mr. Vath stated that the property owners were responsible for the maintenance of the basin. In this instance, it is hoped that the ATV use will be stopped before major damage occurs.

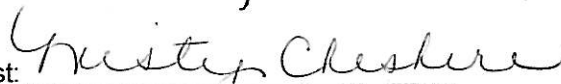
Council agreed to move forward with the proposed legislation. Mr. Vath announced that legislation would be prepared for the February 19th meeting.

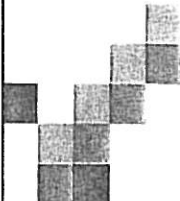
Adjournment

The study session concluded at 8:55 p.m.



Patrick A. Hale, President of Council

Attest: 
Misty Cheshire, Clerk of Council



2008 Miami County Transit System Financial Contribution Request & "ATV" Ordinance

City Council Study Session
Monday, February 4th, 2008

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Historical Background

- Two transit systems had operated in Miami County
 - Piqua (since 1981)
 - Piqua also operated by CAC under a separate contract, demand based system
 - Miami County (all areas of M.C. except Piqua since early 1970's)
 - Miami County system was operated under the auspices of the Miami County Community Action Council (CAC), demand based system
- As a result of 2000 Census:
 - Miami County was reclassified as an "urban" system
 - Piqua was "pushed" to merge with Miami County
 - One system now services all of Miami County
- In 2002, Miami County Transit ran 51,272 trips throughout the County,
 - Over 75% of all trips start or end in Piqua, Troy or Tipp City
 - with 1,612 or 3.1% originating in Tipp
- In 2007, Miami County Transit ran 51,419 trips.

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MC Transit Structure

- In March of 2003, the Miami County Commission formed the Transit Advisory Committee
- Committee included community representatives, riders and contract service recipients (Medicaid, Jobs & Family Services, etc.)
- Committee to look at formation of new transit agency (assumed from CAC), service delivery & selection of a new contract provider (Laidlaw), and funding.
- Miami County commissioned a Merger Study by the Lakatos Group to accomplish this
 - Tipp (\$319), Troy & Piqua agreed to provide partial funding for study

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2006 - System Revenues & Expenses

- Expenditures will exceed Revenues each year from 2006 to 2010
 - Ranging from \$313,308 to \$242,089
 - Average = \$223,710
- Average Cost per trip = \$15.26 in 2004
- Ave. Cost per trip = \$17.50 (projected)
- Total system trips = 65,763

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Funding Alternative as presented in March of 2006

- Given the County's funding gap, a 0.2 mill county-wide transit tax levy could cover it
- At 0.2 mills, the County could generate \$423,672 annually
- At 0.1 mills, the County could generate \$211,836 (95% of funding shortfall)
- Cost to owner of \$150,000 home of 0.1 mills = approximately \$5.00/year

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Tipp City's Actions

2007 Actions	2007 Contributions
■ Tipp passed Resolution 45-06 which authorized contributions (see right) <ul style="list-style-type: none"> □ One year commitment until permanent funding stream secured. 	■ County to pickup roughly half of "local" share
■ Steering Committee formed. <ul style="list-style-type: none"> □ Met several times in 2007 and made recommendations for ongoing funding. 	■ Piqua, Troy & Tipp proposed to pick-up other half of local share
	■ Troy & Piqua @ \$38,929 in 2007; Tipp @ \$4,970

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Concerns & Questions

- Transit is not a "City" service any more than the courts or social services are
- The Merger Study did not thoroughly investigate other means of funding operating gap, such as property or sales tax
- County still prefers not to go "tax" route, but passing this cost on to municipalities is an indirect tax, although villages & townships are not being asked to financially contribute.
- No City funds were originally budgeted in 2007, but Tipp City did contribute \$5,000, fortunately in 2008 we did budget \$5,000 for this expense.

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Concerns & Questions (Con.)

- Significant projected increase in Cities "local" share in 2009 and beyond due to phase out of Federal monies for the Miami County Transit System (see handout).
- Steering Committee has recommended 4 options for the long term funding of MC Transit, but no definitive action taken on recommendations in 2007.

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2008 MC Transit Request

- | 2008 Actions | 2008 Contributions |
|---|---|
| ■ New Transit Director, Elaine Carter | ■ Miami County @ 51% of costs |
| ■ Memorandum of Understanding for 2008 proposed by MC and received by Tipp City on 1.28.2008. | ■ Cities to contribute 49% of "local" share <ul style="list-style-type: none"> □ Piqua @ \$40,000 (47%) □ Troy @ \$40,000 (47%) □ Tipp City @ \$5,000 (6%) |
| | ■ Requesting 50% of payment by 3.31.2008 and 25% at 3 rd and 4 th quarters. |

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Direction

- 2008, Piqua & Troy have continued expressed concern about the "local" match for cities
- Staff is concerned about the ongoing precedent, the lack of initiative for alternative funding even after recommendations by Steering Committee were provided,
- Tipp City's General Fund is impacted by this expenditure.
- Qualified Resolution on February 19th Agenda?

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"ATV" Ordinance



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History

- City received complaint in July of 2007 regarding "off road" vehicles use on private property in Windmere Subdivision.
- Existing City Code does not address this situation
- Council informed of problem in August of 2007.

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History (Con.)

- Staff to look at possible solutions and options to address this concern.
- City Planner Spring researched codes to determine options to address concern.
 - Local communities do not address riding on "plat" residential lots,
 - Examples found in Dayton & Greenwood, MN to restrict usage on "plat" residential lots.

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Code Section 75.27

- Regulates operations of snowmobiles, off-highway motorcycles, and all purpose vehicles.
- Proposed simplified amendment would PROHIBIT these vehicles "on residentially zoned lots of less than five (5) acres in size."

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Direction

- To facilitate code amendment prior to the prime "riding" season, action on this proposed code amendment would need to be completed in Feb./March of 2008.
- Legislation could be introduced at February 19th, 2008 Council Meeting.

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Additional Questions or
Comments?

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